

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Erskine R. Hicks  Debtor(s)  US BANK NATIONAL ASSOCIATION, (TRUSTEE FOR PENNSYLVANIA HOUSING FINANCE AGENCY)  Movant  vs.  Erskine R. Hicks  Debtor(s)  William C. Miller Esq.  Trustee		CHAPTER 13          NO. 14-19926 MDC          11 U.S.C. Section 362
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**MOTION OF US BANK NATIONAL ASSOCIATION, (TRUSTEE FOR PENNSYLVANIA  
HOUSING FINANCE AGENCY)  
FOR RELIEF FROM THE AUTOMATIC STAY  
UNDER SECTION 362**

1. Movant is US BANK NATIONAL ASSOCIATION, (TRUSTEE FOR PENNSYLVANIA HOUSING FINANCE AGENCY).
2. Debtor(s) is the owner(s) of the premises 235 North Wycombe Avenue, Lansdowne, PA 19050, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$65,951.00 on the mortgaged premises that was executed on May 17, 2000. Said mortgage was recorded on May 19, 2000 at Book 2015, Page 306. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on February 20, 2013, at Book 05277, Page 0366 in Delaware County.
4. William C. Miller Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor(s) has failed to make the monthly post-petition mortgage payments in the amount of \$880.00 for October 2017; \$905.00 for November 2017 through October 2018 and \$894.00 for November 2018 through March 2019 with monthly late charges at \$19.27 each for the months of October 2017 through February 2019.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is **\$16,537.59** (plus attorney's fees & costs).

9. Debtor is currently delinquent in plan payments to the Chapter 13 Trustee in the amount of \$708.00.

10. Movant is entitled to relief from stay for cause.

11. Movant further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. Movant may contact Debtor(s) via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

12. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

**/s/ Kevin G. McDonald, Esquire**

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